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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,037	02/11/2000	Joseph Korb	84582.1000	6037

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James E Marina Esq
Winston & Strawn
200 Park Avenue
New York, NY 10166

EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/12/2005

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/503,037

Applicant(s)

KORB ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-16,18-25,27-33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-16,18-25,27-33 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7, 9-16, 18-25, 27-33 and 35 are pending in this examination. The Office acknowledges the cancellation of claims 8, 17, 26, and 34.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, 9-16, 18-25, 27-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. (USPN 6,477,529) (hereinafter Mousseau) in view of Kadyk et al. (USPN 6,674,767) (hereinafter Kadyk).

3. Referring to claim 1, Mousseau discloses a method for transferring data to a wireless device over a wireless communications network, said method comprising the steps:

receiving at a first server (gateway) a request for data transmitted over said wireless communications network from said wireless device (abstract; Figure 5, reference characters 300A, 302-306);

transmitting said request over a second communications network from said first server to a second server containing the requested data (abstract; Figure 2, reference character 12');

receiving at said first server said requested data transmitted over said second communications network from said second server (abstract);

parsing said requested data on said first server to remove data not displayable (advanced HTML and JAVA content) on said wireless device (Figure 3, reference characters 104-112; col. 5, line 57 to col. 6, line 4; col. 12, lines 38-62); and

transmitting said parsed requested data over said wireless communications network from said first server (gateway) to said wireless device (Figure 3, reference character 116; Figure 5).

Mousseau does not disclose including an identification of a wireless device type transmitted from the wireless device or that the removed data is dependent upon said wireless device type. Kadyk discloses transmitting an identification of a wireless device type transmitted from the wireless device which can be used to identify the mobile unit (Figures 5-6, reference characters 506, 606; col. 12, lines 38-60). Kadyk further

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discloses that the removed data is dependent upon said wireless device type (col. 13, lines 9-12, 29-33). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kadyk with Mousseau to reduce the number of gateways needed to exchange data with a wide range of networks and devices such as in the wireless world as supported by Kadyk (col. 2, lines 30-33) thereby reducing complexity of the system while allowing for the ease of future upgrades or replacements.

4. Referring to claim 2, Mousseau discloses the second communications network is the World-Wide-Web (col. 3, lines 54-63).

5. Referring to claim 3, Mousseau discloses the requested data constitute a Web page (col. 3, lines 54-63).

6. Referring to claim 4, Mousseau discloses reformatting said request into an HTTP request prior to transmitting said request to said second server (col. 4, lines 26-41).

7. Referring to claim 5, Mousseau discloses compressing said parsed requested data prior to transmitting said parsed requested data from said first server to said wireless device (col. 4, lines 35-41).

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8. Referring to claim 6, Mousseau discloses encrypting said parsed requested data prior to transmitting said parsed requested data from said first server to said wireless device (col. 4, lines 35-41).

9. Claims 10-15, 19-32 are rejected for similar reasons as stated above.

Claims 7, 9, 16, 18, 25, 27, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau in view of Kadyk in view of Landgren (USPN 6,115,754) (cited by Applicant in IDS).

10. Referring to claim 7, Mousseau in view of Kadyk discloses a method and system of transferring data as stated in the claims above. Mousseau in view of Kadyk does not disclose including an identification of a wireless communications network type. Landgren discloses including an identification and a wireless communications network type (HDTP Network) (the Office takes "wireless communications network type" can be broadly construed as any data or identifying matter which can differentiate one communications protocol which can be transmitted wirelessly from another) (since Landgren teaches that the system taught uses HDTP/HTTP communications methods such as .OPTIONS, .GET, .HEAD, etc. Landgren inherently teaches that the wireless communications network type is of the HDTP/HTTP wireless communications protocol) (col. 9, lines 7-16). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landgren with Mousseau and Kadyk

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to efficiently determine a mobile unit's position as stated in Landgren (col. 2, lines 64-67).

11. Referring to claim 9, Mousseau in view of Kadyk discloses a method and system of transferring data as stated in the claims above. Mousseau in view of Kadyk does not disclose requested data is transmitted to said wireless device in data packets at a pace dependent upon said wireless communications network type. Landgren discloses requested data is transmitted to said wireless device in data packets at a pace dependent upon said wireless communications network type (col. 9, line 62 to col. 10, line 24). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landgren with Mousseau and Kadyk to efficiently determine a mobile unit's position as stated in Landgren (col. 2, lines 64-67).

12. Claims 16, 18, 25, 27, 33, and 35 are rejected for similar reasons as stated above.

Response to Amendment

13. Applicant's arguments filed July 15, 2004 have been fully considered but they are not persuasive.

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14. Applicant argues, in substance, that (1) Mosseu in view of Kadyk does not disclose receiving an identification of a wireless device type from a wireless device.

15. As to point (1) Applicant's attention is directed to col. 11, line 65 to col. 12, line 7. Kadyk discloses that if the message includes a specific identification of a remote device such as device 270, then the means may include executable code for identifying the device driver associated with the identification of the remote device by simply reading the specific identification of the remote device. One of ordinary skill would understand that this "specific identification of a remote device" could include a device type. Also it can be understood that the "identification of a wireless device type" does not necessarily construe that the specific string identifying the device type is transmitted from the wireless device, only an identifier. Kadyk discloses a specific address (i.e. 1-800-555-1212) is used to look up the specific type of remote device associated with the specific address (i.e. "ABC Alphatext Phone 50000"). By this rationale, Kadyk does, in fact disclose receiving a request for data and an identification of a wireless device type from a wireless device.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

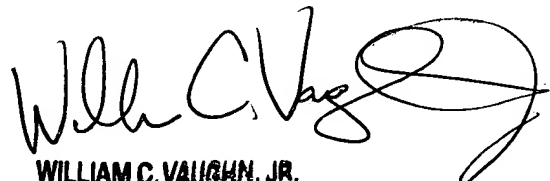
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA

May 4, 2005



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER